

EXHIBIT 3

**[PROPOSED] ORDER GRANTING TRUSTEE'S MOTION *IN LIMINE*
NUMBER 3 TO EXCLUDE THE
OPINIONS AND TESTIMONY OF JEFFREY M. WEINGARTEN**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**[PROPOSED] ORDER GRANTING TRUSTEE'S MOTION *IN LIMINE* NUMBER 3 TO
EXCLUDE THE OPINIONS AND TESTIMONY OF JEFFREY M. WEINGARTEN**

Upon consideration of the Notice of Trustee's Motions *In Limine* Numbers 1 through 4, Trustee's Motion *In Limine* and Memorandum of Law Number 3 to Exclude the Opinions and Testimony of Jeffrey M. Weingarten (the "Motion") dated April 7, 2017, ECF No. _____, filed by Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor

Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”); the Declaration of Lan Hoang in Support of Trustee’s Motions *In Limine* Numbers 1 through 4 dated April 7, 2017, ECF No. ____; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on _____ (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case, **IT IS HEREBY:**

ORDERED that the opinions and testimony of Jeffrey M. Weingarten shall be excluded from trial in the above-captioned adversary proceeding, whether as affirmative or rebuttal evidence; and it is further

ORDERED, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: _____
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE